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SUBJECT: BOTSWANA POLITICAL BRIEFS FOR MARCH 2009

¶1. The following is a compilation of March 2009 political highlights from Botswana. This cable covers:

- BDP Proposes More Special MP's
- Controversy over Child Rights Bill
- President Khama Refuses Three Judicial Appointments
- BNF In-Fighting Continues
- Visit by UN Expert on Indigenous People
- Changes in BDF Leadership

BDP PROPOSES MORE SPECIAL MP'S

¶2. Member of Parliament Mrs. Botlogile Tshireletso (Botswana Democratic Party, Mahalapye East constituency) introduced a motion which calls for the amendment of Botswana's constitution to increase the number of Specially Elected Members of Parliament (MP's). There are currently 57 regular MP's elected from constituencies around Botswana and 4 "Specially Elected" MP's. Tshireletso's proposal would increase the number of special MP's from 4 to 8 and require that at least 4 of the Specially Elected seats be reserved for women.

¶3. The motion is being debated along partisan political lines, with most of the ruling Botswana Democratic Party (BDP) members supporting and the opposition MP's against it. Before the motion was tabled in Parliament for discussion, the BDP communicated with its MP's asking them to support the motion. From the BDP only Botsalo Ntuane, a Specially Elected MP, has so far criticized the proposal, arguing that increasing the number of special parliamentary seats may not be the best way to increase women's representation in Parliament. Ntuane suggested that it would be better to change Botswana's electoral system to proportional representation than to add new Specially Elected seats in Parliament. He argued that the voters are not in favor of increasing the number of special MP's because they dilute the power of the elected MP's. Opposition parliamentarians have complained that this proposal was tabled in bad faith. They say that the goal of the measure is really to increase the ruling party's already large majority in Parliament. Botswana Congress Party MP Dumelang Saleshando told the press that "allowing unelected people to grace Parliament is disrespectful of democracy."

¶4. COMMENT: After each general election, the members of Parliament nominate candidates to fill the four "Specially Elected" seats, and the candidates who receive the most votes from within Parliament win. In theory, these special seats should be used to bring special skills into Parliament. For example, if the ruling party needed a technocrat to head the Health or Finance Ministry, they could use a "Specially Elected" slot to bring a technocrat into cabinet. The Botswana Democratic Party has ruled since independence, and with their Parliamentary majority they have always used the Specially Elected seats to bring more BDP members into Parliament. It is no surprise that opposition supporters are skeptical of the proposal to add another 4 special seats, because even if they are reserved for women, they will go to women from the ruling party. END COMMENT.

CONTROVERSY OVER CHILD RIGHTS BILL

15. Debate continues on the Children's Bill, which seeks to give effect to Botswana's obligations as specified in the UN Convention on the Right of the Child and the African Charter on the Rights and Welfare of the Child. Local Government Minister Margaret Nasha, who presented the bill to Parliament, says it will promote the well-being of families. Among other things, the Bill seeks the establishment of children's courts to deal with matters that affect them. The Bill would also make it compulsory for the names of both the mother and the father to appear on a child's birth certificate. This provision has drawn the ire of men around Botswana, including male Members of Parliament. During Parliamentary debate March 17, MP Vister Moruti (BDP, Okavango constituency) argued that the bill would break up marriages and would "encourage women to bear children with different men in order to have multiple sources of support and income." In a more dramatic turn, Moruti also told Parliament that including fathers' names on birth certificates would increase crimes of passion. He asserted in Parliamentary debate that "men would murder their wives once they are told that they are not responsible for the pregnancy."

16. COMMENT: Despite years of HIV/AIDS prevention efforts, Botswana continues to have high rates of "multiple concurrent partnership" (i.e. non-monogamous sexual relationships). This sexual behavior not only spreads disease but also leads to out-of-wedlock births and controversy over naming fathers of babies. The GOB, with the support of PEPFAR, has engaged in a new prevention campaign to try to reduce multiple concurrent partnerships. The first step in this campaign was a series of billboards and advertisements that asked Batswana to think about "Who is in your sexual network?" END

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COMMENT.

KHAMA REFUSES THREE JUDICIAL APPOINTMENTS

17. President Khama has received mixed reactions from the legal fraternity after turning down a recommendation from the Judicial Service Commission (JSC) to appoint three new judges to the High Court. The President did not give any reasons for refusing to confirm the JSC's appointments, but has instead asked that the positions be re-advertised. The ex-chairman of Botswana Law Society Duma Boko hailed the President for his move and said government should look more closely at the selection criteria for judges. However, a private attorney Martin Dingake said the move has very serious constitutional implications amounting to political interference with the judiciary. COMMENT: Observers within Botswana's legal fraternity have long questioned the way in which the JSC carries out its interviewing process. They claim that JSC first handpicks its preferred candidates and then calls a few candidates for interviews just as a cover-up. That is why some attorneys and judges are celebrating the President Khama's rejection of the JSC's recommended candidates in this instance. Some academics, legal practitioners and politicians have called for the appointment of judges to be made transparent. END COMMENT.

BNF IN-FIGHTING CONTINUES

18. Reconciliation within the warring factions of the Botswana National Front (BNF) political party seems impossible. Two prospective BNF parliamentary candidates, Gabriel Kabajanga (Gaborone North) and Charles Charles (Mogoditshane) are now taking their party to court challenging the primary elections held in their constituencies last year. The failed candidates want the court to reinstate them as the legitimate BNF candidates. MP Nehemia Modubule (BNF, Lobatse) has been expelled from the party, while MP Akanyang Magama (BNF, Gaborone South) was saved by the High Court after the BNF had called for the re-run of primary elections in his constituency. Six council candidates from the party's stronghold, Lobatse, have threatened to take the party to the High Court challenging the BNF president for imposing candidates on constituents. The embattled party leader, Otsweletse Moupo, is refusing to consider reconciliation overtones from former members

who have been expelled from the party. One BNF splinter group calling itself "Temporary Platform" was formed last year and is fighting to be admitted back in the party. The group includes prominent BNF members such as Dr. Elmon Tafa, Dr. Lebohang Letsie (both former members of the Central Executive Committee) and Lobatse MP Nehemiah Modubule. While the rest of Botswana's political parties have started campaigning for the October general elections, the official oppositin in Parliament, BNF, is still fighting with itslf.

VISIT BY UN EXPERT ON INDIGENOUS PEOPLE

19. The United Nations Special Rapporteur on Indigenous People, James Anaya, visited Botswana from March 18 - 27 at the invitation of the Government of Botswana. He traveled to Gaborone, Ghanzi, and the Central Kalahari Game Reserve to meet with government, civil society, and indigenous communities. The objective of the visit was to shed light on the challenges some of the indigenous peoples of Botswana are facing, especially in the areas of recognition and discrimination, land rights, poverty, education and language, and political participation. In a press release at the end of his visit, Anaya noted the various GOB efforts to improve indigenous communities' access to crucial services including health and education and create opportunities for income generation. However, he also said that the government's development activities may not adequately take into account the language and culture of those affected, hindering their ultimate success. James Anaya is an American citizen and Professor of Human Rights Law at the University of Arizona. He will present the full findings and key recommendations from his Botswana visit to a forthcoming session of the UN Human Rights Council.

BDF LEADERSHIP CHANGES

10. The Botswana Defence Force (BDF) announced on March 26 that President Khama has appointed Major General Otisitswe Tiroyamodimo as the Deputy Commander, BDF. He retains his role as Commander, Defense Logistics Command. Brigadier Tumelo M. Paledi was also promoted to Major General and appointed as Commander of the Air Arm. The promotions become effective April 1 upon the retirement of current Deputy Commander and Air Arm Commander Major General Tlhokwane. COMMENT: Major General Tiroyamodimo attended the U.S. Naval Postgraduate School for a course in International Defense Resource Management. He has also worked closely with the Embassy's

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Office of Security Cooperation, including on the March 2009 Military HIV/AIDS Prevention Conference that was co-sponsored by the U.S. and Botswana and held in Gaborone. END COMMENT.

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